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21
22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24

25 NANCY ZAYED, an individual,

26 Plaintiff,

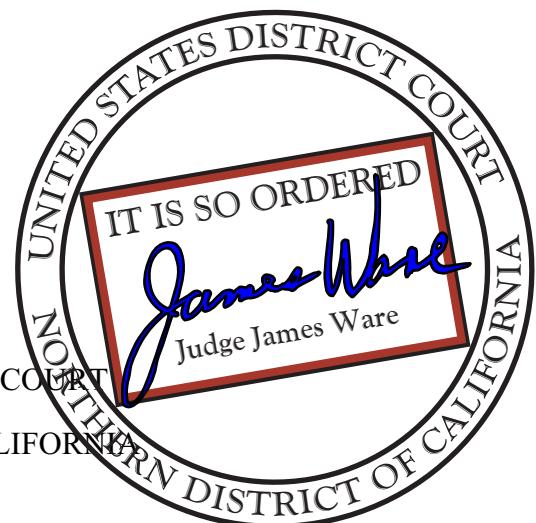
27 v.

28 APPLE COMPUTERS, a corporation doing
business in California; DAVID BLACK, an
individual, and DOES 1-50, inclusive,

Defendants.

Case No. C-04-1787

STIPULATION AND [PROPOSED]
ORDER TO CHANGE TIME
REGARDING EXPERT WITNESS
DISCLOSURE DEADLINES
PURSUANT TO LOCAL RULE 6-2



The parties hereto, and their undersigned counsel, hereby stipulate as follows:

WHEREAS the Court previously entered a Scheduling Order in this case on February 1, 2005 and modified that Scheduling Order on July 22, 2005 and on October 18, 2005;

WHEREAS discovery closed on October 3, 2005;

WHEREAS no trial date has yet been set by the Court;

WHEREAS the Parties agree that although discovery in this case has proceeded, the parties have not yet conducted expert discovery pursuant to the Court's October 18, 2005 modification to its February 1, 2005 Scheduling Order;

WHEREAS Defendants filed summary judgment on November 14, 2005 and the Court informed the parties it was taking the matter under submission without hearing oral argument in January 2006;

WHEREAS the Parties believe that extending the expert witness deadlines set forth in the Court's October 18, 2005 Order until after the Court rules on the parties' dispositive motions will be conducive to the efficient and expedient conduct of this litigation and will serve the ends of justice and may avoid unnecessary costs; and

WHEREAS the Parties have previously requested two time modifications to the Scheduling Order deadlines set by the Court to extend the expert witness deadlines,

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. The deadlines set forth in the Court's October 18, 2005, Scheduling Order shall be modified as follows:

- (a) the deadline to disclose expert witnesses pursuant to F.R.C.P. 26(a) is 45 days from the date the Court enters its order on Defendants' Summary Judgment Motion;
- (b) the deadline to disclose rebuttal expert witnesses is 60 days from the date the Court enters its order on Defendants' Summary Judgment Motion;

1 (c) the hearing deadline for motions objecting to the qualifications or
2 proposed testimony of any expert is extended to 90 days from the
3 expert witness disclosure deadline identified in paragraph 1(a)
4 above;

5 (d) The discovery deadline is extended to 45 days from the expert
6 witness disclosure deadline identified in paragraph 1(a) above, as to
7 expert discovery only, and discovery shall remain closed for all
8 non-expert discovery.

9 2. This Stipulation shall be made an Order of the Court.

10 Dated: March 6, 2006

11 LYNNE C. HERMLE
12 JOSEPH C. LIBURT
13 JESSICA R. PERRY
14 ORRICK, HERRINGTON & SUTCLIFFE LLP

15 /s/

16 Jessica R. Perry
17 Attorneys for Defendants
18 Apple Computer, Inc. and David Black

19 Dated: March 6, 2006

20 WAUKEEN Q. MCCOY, ESQ.
21 LAW OFFICES OF WAUKEEN Q. MCCOY

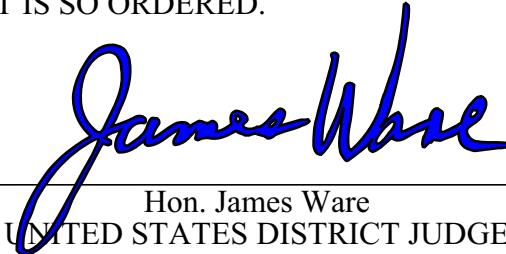
22 /s/

23 Waukeen Q. McCoy
24 Attorneys for Plaintiff
25 Nancy Zayed

26 **ORDER**

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Dated: March 9, 2006, 2006


Hon. James Ware
UNITED STATES DISTRICT JUDGE